

BOARD OF SUPERVISORS  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the \_\_\_\_ day of \_\_\_\_, 2004:

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Present

Vote

Thomas G. Shepperd, Jr., Chairman  
James S. Burgett, Vice Chairman  
Walter C. Zaremba  
Sheila S. Noll  
Kenneth L. Bowman

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On motion of \_\_\_\_\_, which carried \_\_\_\_, the following resolution was adopted:

A RESOLUTION DECLARING THE NECESSITY TO ENTER UPON  
AND TAKE EASEMENTS ON PROPERTY OWNED BY ERNEST D.  
LEMONDS, TRUSTEE UNDER THE ERNEST D. LEMONDS LIVING  
TRUST, TAX MAP PARCEL 25-184, IN CONNECTION WITH THE  
BACK CREEK SEWER PROJECT

WHEREAS, it is necessary to obtain certain easements in connection with the Back Creek sewer project; and

WHEREAS, for various reasons, the County is not able to obtain from the owners of such property clear title to the interests in real estate necessary, or no agreement has been reached as to the consideration to be paid for the said interests; and

WHEREAS, a plat of the interests in real property to be acquired has been prepared by Precision Measurements, Inc., and appraisals of such interests have been prepared; and

WHEREAS, § 15.2-1905 C, Code of Virginia, authorizes the Board to adopt a resolution following a public hearing on the matter declaring its intent to enter and take specified properties, rights-of-way or easements for such purposes as constructing, installing, expanding, maintaining, or repairing pipelines, meter boxes, pumps, or any other appurtenances to a sewerage disposal and water system.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this \_\_\_\_ day of \_\_\_\_\_, 2003, that the Board finds that it is necessary for the protection and preservation of the public health, safety and welfare, and for the timely completion of the Back Creek sewer project, for the County, its officers, employees and agents to enter upon and take the interests in real property described below prior to the initiation of condemnation proceedings.

BE IT FURTHER RESOLVED that the interest to be taken, and the compensation and damages, if any, offered by the County for the following property, which interest is more particularly described on the plat attached to the Report of the County Attorney dated December 29, 2003, and incorporated herein by this reference:

Tax Map No. 25-184

A permanent utility easement and two temporary construction easements as shown on a plat entitled "Plat of Easement Acquisition From: Ernest D. Lemonds Estate, To: County of York, Virginia, Project: Back Creek Road Sanitary Sewer Improvements," dated August 8, 2003, prepared by Precision Measurements, Inc., and designated as a "Permanent Utility Easement Hereby Conveyed to York County, 673 sq. ft.," a "Temporary Construction Easement Hereby Conveyed to York County, 313 sq. ft., a "Temporary Construction Easement Hereby Conveyed to York County, 42 sq. ft." Value offered to Owner: \$1,046.00.

BE IT STILL FURTHER RESOLVED that the Chairman of the Board of Supervisors, the County Treasurer and the County Attorney are hereby authorized and directed, for and on behalf of the County, to execute a certificate to be recorded in the Office of the Clerk of the Circuit Court for York County, certifying the amount set forth above as the fair value, and damages if any, of the interest to be taken, will be paid the owner in accordance with the provisions of State law and upon order of the Court.

BE IT STILL FURTHER RESOLVED that the County Attorney be, and he is hereby, authorized, if necessary and appropriate, at any time following the date of this Resolution, to institute condemnation proceedings in the name of the Board of Supervisors to acquire title to the interest in the property described above, including, if necessary, any other easements or restrictions that may affect the easements sought to be acquired, and to do all things necessary as a prerequisite thereto.